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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 UNITED STATES OF AMERICA,)
9)
Plaintiff,) Case No. CR04-497-RSM
10 v.) **PROPOSED FINDINGS OF**
11) **FACT AND DETERMINATION**
SAMUEL OLVIRA MORALES,) **AS TO ALLEGED**
12) **VIOLATIONS OF SUPERVISED**
Defendant.) **RELEASE**

13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on September
15 9, 2009. The defendant appeared pursuant to warrant issued in this case. The United States was
16 represented by Karyn Johnson, and defendant was represented by Kevin Peck. Also present was
17 Senior U.S. Probation Officer Jennifer Tien. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on April 22, 2005 by the Honorable Marsha J. Pechman for Felon
20 in Possession of a Firearm. He received 46 months of imprisonment and 3 years of supervised
21 release.

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1 PRESENTLY ALLEGED VIOLATIONS AND
2 DEFENDANT'S ADMISSION OF THE VIOLATION

3 In a petition dated June 4, 2009, Senior U.S. Probation Officer Jennifer Tien alleged that
4 defendant violated the following conditions of supervised release:

5 1. On or before June 3, 2009, Samuel Morales conspired to distribute
6 methamphetamine, in the Western District of Washington, in violation of the general condition
7 that he not commit another federal, state, or local crime.

8 2. Failing to notify the probation officer of a change in residence on or before June 3,
9 2009, in violation of standard condition number six.

10 3. Possession of a firearm on or about June 2, 2009, in violation of the general
11 condition that he not commit another federal, state, or local crime and the special condition that
12 he not possess a firearm.

13 4. Failing to work regularly at a lawful occupation since on or about January 21, 2009,
14 in violation of standard condition number five.

15 Defendant admitted the above violations, waived any hearing as to whether they occurred,
16 and was informed the matter would be set for a disposition hearing on November 6, 2009 at 2:00
17 p.m. before District Judge Ricardo S. Martinez.

18 RECOMMENDED FINDINGS AND CONCLUSIONS

19 Based upon the foregoing, I recommend the court find that defendant has violated the
20 conditions of his supervised release as alleged above, and conduct a disposition hearing.

21 DATED this 9th day of September, 2009.

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23 BRIAN A. TSUCHIDA
United States Magistrate Judge